



Greater Hartford Legal Aid

**Written Testimony of Attorney Alexis N. Highsmith, Greater Hartford Legal Aid, Inc.
In Support of HB 5525, AAC Pardons, and HB 5523, AAC Reentry
March 19, 2010**

Connecticut's Legal Services programs support H.B. 5525, which provides that a provisional pardon issued by the Board of Pardons and Paroles ("Board") shall become an absolute pardon after a specified time period, if the person is not convicted of another crime during that time period.

I am an attorney at Greater Hartford Legal Aid, a legal services program providing free legal services to low-income residents in and around Hartford County. My office represents formerly incarcerated persons in a variety of civil matters. One of my core responsibilities is to represent ex-offenders applying for an absolute pardon (expungement) of their criminal record. My clients are individuals who have stayed out of trouble for some time and made positive contributions to their families and communities. The primary reason that most of my clients apply for a pardon is to help secure employment. The use of criminal background checks has become an increasingly common practice amongst employers during the hiring process. A criminal record often serves as an insurmountable obstacle to obtaining employment. As a result, many ex-offenders remain unemployed for extended periods of time, unable to provide financially for themselves and their families.

While some ex-offenders are able to find work, many are left with no employment options. For those who are not employed, they choose to enroll in school or participate in other licensing or certification programs. Whether employed or not, many ex-offenders rely on the pardons process as an avenue to fully leave their criminal history behind and secure a bright future. For some pardons applicants, not enough time has passed since their criminal history while others have not demonstrated enough rehabilitation in the form of employment, education, or other contributions to the community. In these cases the Board may award a provisional pardon in lieu of an absolute pardon.

A provisional pardon is an initial step in moving away from one's criminal history. While a provisional pardon does not erase one's record, it does demonstrate the Board's recognition that the individual has made efforts to rehabilitate herself and move beyond her criminal history. The Board awards provisional pardons in circumstances where it believes the individual applicant will further achieve their rehabilitation through employment. The Board considers the interests of public safety and the protection of property when granting an applicant a provisional pardon, confirming that the Board would not grant a provisional pardon to someone with the potential to harm others or property. By converting a provisional pardon to an absolute pardon, the Board asserts its satisfaction that the individual has fully rehabilitated themselves.

Currently, the Board may accept an application for an absolute pardon, three years after an applicant's conviction of a misdemeanor or violation and five years after an applicant's conviction of a felony. The proposed language for H.B. 5525 correlates with the current eligibility requirements the Board has developed. The selected time frames are important in allowing enough time for a person to demonstrate that they will not re-offend. It also gives a person enough time to obtain employment or to pursue further educational degrees and certificates. The Board's primary concern in determining whether to expunge one's record is that it must be sure the person will not re-offend. In order to receive the privilege of a provisional pardon, an applicant must demonstrate he will not engage in criminal activity again. If this proves true, after the applicant receives a provisional pardon, the only natural next step is an absolute pardon.

Section 2 of HB 5525 proposes to amend §54-130a (e) by allowing records pertaining to convictions for which a provisional pardon has been granted, to be sealed. Because Connecticut law does not currently provide for sealing of records, we would suggest that this provision be thoughtfully considered and vetted prior to its implementation. It should take into account our current erasure statute §54-142a, which was carefully constructed and amended over a period of time and already provides important protections for ex-offenders. It is crucial to insure that CT's current protections aren't diminished by this proposal.

Legal Services also wishes to acknowledge its support for H.B. 5523, which establishes a state tax credit for private-sector employers who hire persons recently released from prison. As our State's unemployment numbers reach all time highs, it is imperative that we give our entire workforce expanded opportunities in their employment search. It is also important to provide businesses, who have also suffered greatly during this tough economic time, incentives to expand their applicant pool and hire the best qualified and most skilled workers.

Lastly, we would also like to voice our support for Section 3 of HB 5523, which would prohibit employer inquiries regarding a prospective state employee's past convictions until a conditional offer of employment has been made. By eliminating the question asking whether an applicant has been convicted of a crime, a prospective employee can be initially evaluated on their merits alone, and questions regarding previous criminal history can be left to a later phase of the hiring process.